

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

TWIN SECURITIES, INC., *et al.*,

Plaintiffs,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., *et al.*,

Defendants.

Civil Action No.: 1:15-cv-01291-AKH

HG VORA SPECIAL OPPORTUNITIES
MASTER FUND, LTD.,

Plaintiff,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., *et al.*,

Defendants.

Civil Action No.: 1:15-cv-04107-AKH

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**DECLARATION OF JONATHAN D. USLANER
IN SUPPORT OF THE DIRECT ACTION PLAINTIFFS' MOTION FOR
PARTIAL SUMMARY JUDGMENT AGAINST DEFENDANT LISA MCALISTER**

BLACKROCK ACS US EQUITY TRACKER
FUND, *et al.*,

Plaintiffs,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., *et al.*,

Defendants.

Civil Action No.: 1:15-cv-08464-AKH

PIMCO FUNDS: PIMCO DIVERSIFIED
INCOME FUND, *et al.*,

Plaintiffs,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., *et al.*,

Defendants.

Civil Action No.: 1:15-cv-08466-AKH

CLEARLINE CAPITAL PARTNERS LP, *et al.*,

Plaintiffs,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., *et al.*,

Defendants.

Civil Action No.: 1:15-cv-08467-AKH

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PENTWATER EQUITY OPPORTUNITIES
MASTER FUND LTD., *et al.*,

Plaintiffs,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., *et al.*,

Defendants.

Civil Action No.: 1:15-cv-08510-AKH

ETON PARK FUND, L.P. and ETON PARK
MASTER FUND, LTD.,

Plaintiffs,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., *et al.*,

Defendants.

Civil Action No.: 1:16-cv-09393-AKH

RELIANCE STANDARD LIFE INSURANCE
COMPANY, *et al.*,

Plaintiffs,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., *et al.*,

Defendants.

Civil Action No.: 1:17-cv-02796-AKH

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JET CAPITAL MASTER FUND, L.P., *et al.*,

Plaintiffs,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., *et al.*,

Defendants.

Civil Action No.: 1:15-cv-00307-AKH

ARCHER CAPITAL MASTER FUND, L.P.,
et al.,

Plaintiffs,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., *et al.*,

Defendants.

Civil Action No.: 1:16-cv-05471-AKH

ATLAS MASTER FUND, LTD., *et al.*,

Plaintiffs,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., *et al.*,

Defendants.

Civil Action No.: 1:16-cv-05475-AKH

FIR TREE CAPITAL OPPORTUNITY
MASTER FUND, L.P., *et al.*,

Plaintiffs,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., *et al.*,

Defendants.

Civil Action No.: 1:17-cv-04975-AKH

I, Jonathan D. Uslander, have personal knowledge of the matters stated herein and declare under penalty of perjury as follows:

1. I am a Partner at Bernstein Litowitz Berger & Grossmann LLP (“BLB&G”) and am counsel for the Twin Capital, HG Vora, BlackRock, PIMCO, Clearline, Pentwater, Eton Park, and Reliance Standard Plaintiffs in the above-captioned actions.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Sealed Information of Lisa McAlister filed on June 29, 2016, in the case, *United States of America v. Lisa McAlister*, No. 16-cr-00653 (AKH) (unsealed September 28, 2016).

3. Attached hereto as Exhibit 2 is a true and correct copy of the June 29, 2016 hearing transcript of McAlister’s plea allocution in the case, *United States of America v. Lisa McAlister*, No. 16-cr-00653 (AKH).

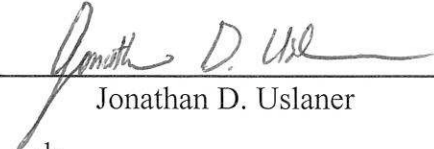
4. Attached hereto as Exhibit 3 is a true and correct copy of the Waiver of Indictment filed on September 8, 2016, in the case, *United States of America v. Lisa McAlister*, No. 16-cr-00653 (AKH).

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts of the trial testimony of Defendant Lisa McAlister filed on July 20, 2017, in the case, *United States of America v. Brian Block*, No. 16-cr-00595 (JPO).

6. Attached hereto as Exhibit 5 is a true and correct copy of the March 23, 2018 Judgment in a Criminal Case entered against McAlister, filed on March 26, 2018, in the case, *United States of America v. Lisa McAlister*, No. 16-cr-00653 (JPO).

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 28th day of March 2018


Jonathan D. Uslander